

NO. 07-06-0348-CV  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL B  
SEPTEMBER 18, 2006

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KYLE ZAHN, AMY ZAHN, ZAHN ENTERPRISES, INC., RICK DENZER,

Appellants

v.

HENRY and ERIKA HOEVE,

Appellees

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FROM THE 99<sup>th</sup> DISTRICT COURT OF LUBBOCK COUNTY;  
NO. 2004-527,811; HON. WILLIAM C. SOWDER, PRESIDING

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***MEMORANDUM OPINION***

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Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Appellants Kyle Zahn, Amy Zahn, Zahn Enterprises, Inc., Rick Denzer filed a notice of appeal on August 24, 2006. However, they did not pay the \$125 filing fee required from appellants under Texas Rule of Appellate Procedure 5. Nor did they file an affidavit of indigence per Texas Rule of Appellate Procedure 20.1. By letter from this Court dated August 31, 2006, we informed appellants that “the filing fee in the amount of \$125.00 has not been paid” and that the “[f]ailure to pay the filing fee within ten (10) days from the date

of this notice may result in a dismissal.” TEX. R. APP. P. 42.3(c); see *Holt v. F. F. Enterprises*, 990 S.W.2d 756 (Tex. App.–Amarillo 1998, pet. ref’d). The deadline lapsed, and the fee was not paid.

Because appellants failed to pay the requisite filing fee as directed by the court, we dismiss the appeal pursuant to Texas Rule of Appellate Procedure 42.3(c).

Per Curiam